

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Burns on December 15, 2011.

The application has been amended as follows:

CANCEL claims 44-52

2. The following is an examiner's statement of reasons for allowance: The prior art does not teach a surgical instrument comprising a curette tissue-excision component or a cup-shaped tissue receptacle having a sharpened peripheral edge/rim extending circumferentially about the tissue-excision component in combination with a liquid jet cutter, as claimed. The prior art does disclose a liquid jet cutter in combination with a receptacle that may be interpreted as cup-shaped, wherein the nozzle is located at the distal end of the instrument and directs the liquid jet towards the proximal end of the instrument (Fig 3 of Drasler et al. – US 5,496,267). Furthermore, the prior art teaches attaching a non-liquid jet cutting element (i.e. sharpened edge and tip 40, 42) to the outer edge of a liquid jet instrument (col 3, ll 26-29 of Patterson et al. – US 5,944,686). Alternatively, the prior art teaches a cutting edge (50) may be positioned adjacent the liquid jet nozzle opening (Plechinger al. – US 5,318,518). However, the prior art does not teach a cup-shaped or tissue receptacle or curette component that has a circumferentially-shaped peripheral rim with a sharpened edge extending circumferentially along the rim to form the non-liquid jet tissue excision component.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine Dowe whose telephone number is (571) 272-3201. The examiner can normally be reached Monday through Friday, 8:30am – 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, ***please contact the examiner's supervisor, Gary Jackson, at (571) 272-4697.*** The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

***If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to***

TC3700\_Workgroup\_D\_Inquiries@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine Dowe  
December 15, 2011

/Katherine M Dowe/  
Examiner, Art Unit 3734

/Gary Jackson/  
Supervisory Patent Examiner  
Art Unit 3734